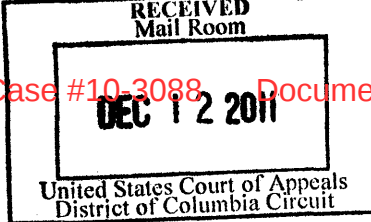
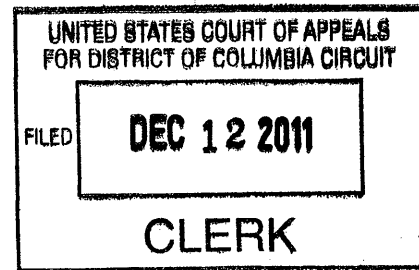


12-5-11



Mark J. Langer, Clerk  
United States Court of Appeals  
District of Columbia Circuit  
333 Constitution Ave., NW  
Washington, D.C. 20001



Re: No. 10-3088 USA v. Kahn Pending Motions

Dear Mr. Langer,

4-10 I received your letter dated 11-22-11 regarding Eddie Ray: Kahn's NOTICE TO THE COURT THAT I AM DECLINING COURT APPOINTED COUNSEL. There are a number of statements that you made that are incorrect. Since I want to be sure that we are all on the same page, I will correct them.

1. You said that I had put in a motion for leave to proceed pro se. I did not. I am not schooled in law and am incapable of representing anyone. I will be appearing as myself out of necessity, as I have not been able to find and retain a licensed, competent attorney.

2. You refer to me as indigent. However, according to the Criminal Justice Act of 1964, it states that, if you have family or friends that are willing to pay for counsel, that you are not eligible for an attorney paid for by the Court. I have family and friends that are willing to pay for licensed, competent counsel. We have not been able to find an attorney licensed to practice law in Washington, D.C. NOTE: If you know a licensed attorney, please give me his name and I will contact him/her immediately as I am in need of assistance in this matter.

3. You say "the court will rule on your motion to proceed pro se". I did not put in a Motion. I simply filed a Notice with the Court that I was not accepting Mr. Peter Brody, who said he wished to represent me Pro Bono.

If the Court is going to insist that I accept Mr. Brody, I will insist that he give me a copy of his license to practice law and a verified statement of the number of wins versus losses that he has had in criminal appeals cases of this type.

NOTE: I have previously asked Mr. Brody 11 questions regarding his competency and previous success by letter. It has been almost a year later and I have yet to receive a response.

Mr. Langer, neither you or the judges assigned to this case have addressed the other issues that I had put in my Notice.

1. Have I appealed to a proper Article III Court? I need to have either you are one of the judges assigned to this case assure me in writing that this is not an Article I Appeals Court and that the judges that will be hearing the case are judges whose office was ordained and established by Section 8 of the Judiciary Act of 1789.

2. I need verification by you that the Clerk of Court office you occupy was established by Section 7 of the Judiciary Act of 1789.

3. I need verification by you that this District Court is the one created by Congress in Section 3 of the Judiciary Act of 1789.

4. I sent a Freedom of Information Act/Privacy Act request to Roy W. McLeese, III, the Asst. U.S. Attorney who is alleging that he has some authority to act as counsel for the United States of America. I sent it on 10-21-11 and sent the Court a copy. Mr. McLeese has not responded to verify that...

1. His office was ordained and established by Section 35 of the Judiciary Act of 1789.

2. There is an Act of Congress that authorizes a U.S. Attorney to represent the United States of America in a civil or criminal matter.

3. I will also need a copy of a license to practice law in Washington, D.C. that is held by Mr. McLeese to verify that he is not acting in Contempt of Court.

I am asking for verification pursuant to the U.S. Supreme Court ruling in Federal Crop Insurance Corp. v. Merrill, where the Court warned "Whatever the form in which the government functions, anyone entering into an arrangement with the government takes the risk of having accurately ascertained that he who purports to act for the government stays within the bounds of his authority".

Mr. Langer, I am very aware that Congress has created two types of Courts, the first under Article 3 of the Constitution of the United States of America (CUSA) and the second under Article 1 of the CUSA. The former is a judicial court, and can hear all cases in law and equity. The latter is an administrative court, with no Article 3 judicial power.

The Supreme Court has made it very clear that it is up to me to accurately ascertain that everyone purporting to act for the government is acting within the bounds of their authority. If I do not ask for and receive verification, I risk being in the wrong court and being heard by a de facto judge.

CONCLUSION: The verification documents that I need are:

1. The document that verifies that this court was established pursuant to Section 3 of the Judiciary Act of 1789.
2. A listing of names of all the judges in the D.C. Court of Appeals,
3. The Appointment Affidavits and a copy of the Oath they took that is in Section 8 of the Judiciary Act of 1789.
4. Mr. Langer's Appointment Affidavit and the Oath he took that is in Section 7 of the Judiciary Act of 1789.
5. The U.S. Attorney, Roy W. McLeese, III Appointment Affidavit and a verified statement that his office was ordained and established under Section 35 of the Judiciary Act of 1789.
  - b) A statement verifying the Act of Congress and Section number that authorizes a U.S. Attorney to represent the United States of America.
  - c) A copy of his license to practice law.

According to the Judiciary Act of 1789, the judge, clerk of the court and the attorney authorized to represent the United States are all judicial officers, not Executive branch employees. The Appointment Affidavits and Oaths they took will verify what branch of government they work for, as Article I courts are staffed with a judge, clerk of court and U.S. Attorney that are Executive branch employees.

Mr. Langer, please forward to me as soon as possible the verification documents that I have requested as I need to verify that I am in the proper court and that everyone acting on behalf of the United States of America is acting within the bounds of their authority.

Best regards,



Eddie Ray: Kahn

Fed. No. 18325-008

RCI

P.O. Box 630

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